



AP TO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application of: Louis S. Osika and Roger P. Smith
Serial No. 10/789,875
Filed: February 27, 2004
Confirmation No. 9151
Title: CONTAINER HAVING FLOURESCENT INDICIA
Attorney Docket: 18032
Group Art Unit: 1772
Examiner: M. C. Miggins
In Response to: 2nd Notice of Non-Compliant Appeal Brief
Mailed May 2, 2007

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Diana Castillo
(Name of Person Making Deposit)

Diana Castillo
(Signature)

May 24, 2007
(Date)

RESPONSE TO SECOND NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

The Second Notification of Non-Compliant Appeal Brief mailed May 2, 2007 alleges that the Appeal Brief filed November 13, 2006 does not comply with 37 CFR 41.37 (c)(1)(vi).

37 CFR 41.37(c)(1)(vi) reads:

Grounds of Rejection to be Reviewed on Appeal. A concise statement of each ground of rejection presented for review.

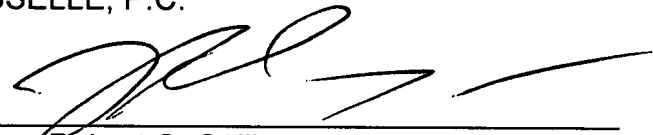
There is no requirement that this section of the Appeal Brief must site the statutory section under which the claims are rejected. Nor is there any requirement that exact "rejection headers" from the Final Rejection should be repeated. (The applicable "rejection header" in the Final Rejection reads "Claim Rejections - 35 USC § 103," which is not particularly informative.) Section 6 at the top of page six of the Appeal Brief, "Grounds of Rejection to be Reviewed on Appeal," contains a concise statement of the ground of rejection presented for review.

Thus, it is respectfully submitted that the Appeal Brief filed November 13, 2006 fully complies with 37 CFR 4.137(c), including provision of a concise statement of each ground of rejection presented for review as required in 37 CFR 4.137(c)(1)(vi).

Respectfully submitted,

REISING, ETHINGTON, BARNES,
KISSELLE, P.C.

By



Robert C. Collins
Reg. No. 27,430
Telephone (248) 689-3500
Facsimile (248) 689-4071